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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,528	06/23/2003	Shoichi Saito	OOCL-138 (YA-03S0540)	1765
26479	7590	05/18/2007	EXAMINER	
STRAUB & POKOTYLO			MISLEH, JUSTIN P	
620 TINTON AVENUE				
BLDG. B, 2ND FLOOR				
TINTON FALLS, NJ 07724				
			ART UNIT	PAPER NUMBER
			2622	
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			05/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/602,528

Applicant(s)

SAITO ET AL.

Examiner

Justin P. Misleh

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 6, 8, 10, 11, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 8, 10 and 13 is/are rejected.
- 7) ☒ Claim(s) 6, 11 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to Claim 1 have been considered but are moot in view of the new ground of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 5, 8, 10, and 13** are rejected under 35 U.S.C. 102(e) as being anticipated by Shintani (US 7,012,647 B2).
4. For **Claim 1**, Shintani discloses, as shown in figures 3 and 5 – 8, a unit (3) comprising:
an optical member (prism 18) which received a light beam from an object such that the light beam is bent at a substantially right angle (via surface 18a; see column 5, lines 21 – 50);
a light amount adjustment mechanism (“barrier drive motor 31”) to adjust a light amount of the light beam received by the optical member (“barrier drive motor 31” is either opened or closed; accordingly, light is passed to the unit 3 or not passed to the unit 3 – therefore, barrier drive motor 31 is adjusts a light amount of the light beam);

a light amount adjustment unit (space 20) which includes a first case (not specifically identified; however, the Examiner considers the unit 3 housing surround the space 20 and the prism 18 to be the first case) which accommodates the optical member (prism 18) and the light amount adjustment mechanism (barrier drive motor 31);

a lens group (“zoom lens”; not specifically identified in the figures; see column 5, lines 1 – 5) which is movably arranged to obtain an object image (via zoom drive system 5) from the light beam whose light beam whose light amount is adjusted by the light amount adjustment mechanism (barrier drive motor 31);

a lens unit (not specifically identified in the figures; however, the space in the unit 3 between the image sensor 4 and the prism 18 is considered to be the lens unit) which includes a second case which accommodates the lens group (again, the housing surrounding the lens unit space between the image sensor 4 and the prism 18 is considered to be the second case); and

coupling means (not specifically identified; however, necessary for operation) provided between the first case (housing surrounding space 20 and prism 18) and the second case (housing surrounding space formed between prism 18 and the image sensor 4) to couple the light amount adjustment unit and the lens unit.

As clearly shown in figure 5, Shintani provides structural components to stably hold the all of the lens (prism 18 and “zoom lens”) of the optical system (unit 3). The structural components shown in the figure 5 are formed part of the housing of the entire optical unit (3) and further provides lipped portions upon which the prism (18) and various lenses of the zoom system reside. Such housing including the “lipped portions” correspond to the coupling means claimed above.

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5. As for **Claim 5**, Shintani discloses, as shown in figures 3 and 5 – 8, wherein the light amount adjustment mechanism (“barrier drive motor 31”) is arranged in the light amount adjustment unit (space 20) on a coupling surface to the lens unit (not specifically identified in the figures; however, the space in the unit 3 between the image sensor 4 and the prism 18 is considered to be the lens unit).

As indicated above, the Examiner considers the entire optical system (unit 3) housing including the “lipped portions” to be the said coupling means – therefore, all surfaces of the housing can be considered couple surfaces to the lens unit.

6. As for **Claim 8**, Shintani discloses, as shown in figures 3 and 5 – 8, wherein the second case (again, the housing surrounding the lens unit space between the image sensor 4 and the prism 18 is considered to be the second case) has, at a coupling portion to be coupled to the first case, positioning members (“lipped portions”) to position the optical member (prism 18) accommodated in the first case.

As clearly shown in figure 5, Shintani provides structural components to stably hold the all of the lens (prism 18 and “zoom lens”) of the optical system (unit 3). The structural components shown in the figure 5 are formed part of the housing of the entire optical unit (3) and further provides lipped portions upon which the prism (18) and various lenses of the zoom system reside. Such housing including the “lipped portions” correspond to the coupling portion claimed above.

7. As for **Claim 10**, Shintani discloses, as shown in figures 3 and 5 – 8, wherein the positioning member (“lipped portions”) provided in the second case (again, the housing surrounding the lens unit space between the image sensor 4 and the prism 18 is considered to be

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the second case) also serves as a positioning member between the cases to position the first case and the second case.

As clearly shown in figure 5, Shintani provides structural components to stably hold the all of the lens (prism 18 and “zoom lens”) of the optical system (unit 3). The structural components shown in the figure 5 are formed part of the housing of the entire optical unit (3) and further provides lipped portions upon which the prism (18) and various lenses of the zoom system reside. Such housing including the “lipped portions” correspond to the coupling portion claimed above.

8. As for **Claim 13**, Shintani discloses, as shown in figures 3 and 5 – 8, an electronic camera (“digital camera 1”) having an optical unit of claim 1.

Allowable Subject Matter

9. **Claims 6, 11, and 14** are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter:

As for **Claim 6**, while the prior art discloses a light amount adjustment unit which includes a first case and a light amount adjustment mechanism/actuator, a lens group which is movably arranged to obtain an object image from the light beam whose light amount is adjusted by the light amount adjustment mechanism; and a lens unit which includes a second case which accommodates the lens group and lens driving actuator; however, the prior art does not teach or fairly suggest wherein the light amount adjustment actuator unit and the lens driving actuator unit are arranged along a linear region that is substantially parallel to a direction of an optical axis of the lens group.

As for **Claims 11 and 14**, while the prior art discloses a light amount adjustment unit which includes a first case and a light amount adjustment mechanism/actuator, a lens group which is movably arranged to obtain an object image from the light beam whose light beam whose light amount is adjusted by the light amount adjustment mechanism; a lens unit which includes a second case which accommodates the lens group and lens driving actuator; and coupling means and positioning members for coupling and positioning the first and the second case; however, the prior art does not teach or fairly suggest the positioning member comprises a projecting portion which projects along a direction of an optical axis, the first case has an insertion portion which receives the projecting portion, and the optical member has an engaging portion which engages with the projecting portion inserted into the insertion portion.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Vivek Srivastava can be reached on 571.272.7304. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
May 14, 2007



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